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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 LHF PRODUCTIONS, INC., a Nevada
Corporation,

10 Plaintiff,

11 v.

12 BRIAN KABALA, et. al.,

13 Defendants.

14 AND RELATED COUNTERCLAIMS
15

Case No.: 2:16-cv-02028-JAD-NJK

**DECLARATION OF JONATHAN YUNGER
IN SUPPORT OF LHF'S MOTION FOR
ENTRY OF A PROTECTIVE ORDER
REGARDING RULE 30(B)(6) DEPOSITION
OF LHF PRODUCTIONS, INC.**

16 I, Jonathan Yunger, declare under penalty of perjury under the laws of the United States
17 that the following is true and correct.:

18 1. I am the authorized representative of special purpose entity, LHF Productions,
19 Inc. ("LHF"). In such capacity, I am knowledgeable or able to become knowledgeable of
20 information known or reasonably available to LHF and have been designated by LHF to testify
21 on its behalf at a Rule 30(b)(6) deposition.

22 2. I am over the age of 21, under no disability, and am competent to testify to the
23 matters contained in this declaration.

24 3. I make this declaration in support of LHF's Motion for Entry of a Protective
25 Order Regarding Rule 30(b)(6) Deposition of LHF Productions, Inc.

26 4. LHF is a movie production company. It produced and is the copyright holder of
27 the movie, *London Has Fallen*.
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1 5. LHF is not in the infringement detection business, did not create the
2 infringement detection system at issue in this case, does not operate the infringement detection
3 system used in this case, did not write the software used by the infringement detection system,
4 does not have rights to such software, and is not affiliated with or related to the third parties or
5 the employees of such third parties (GuardeLay, and MaverickEye UG).

6 6. LHF also has no employees, officers, directors, or managing agents, and has
7 never had any employee, director, officer, or managing agent (collectively, "LHF
8 Representatives") with any knowledge on Topics 2-15, 17-29, and 32 (the "Objectionable
9 Topics") set forth in the Rule 30(b)(6) Deposition Notice served on LHF. LHF cannot
10 designate any person to testify to these topics because these topics concern subjects that exceed
11 the scope of LHF's business and the experiences and knowledge of any LHF Representative.

12 7. LHF is not in the business of detecting infringing transactions within the
13 BitTorrent network. This is why LHF retained MaverickEye – an investigator who uses
14 GuardaLey's proprietary technology to obtain evidence of infringement. LHF possesses no
15 information and never has possessed any information regarding the creation, operation,
16 maintenance or use of MEU's infringement detection system or GuardaLey's software.

17 8. While LHF has no objection to designating a witness that can testify to its actual
18 activities, it is unreasonable unfair, and actually impossible for it to do so on topics that exceed
19 the information known or reasonably available to the organization.

20 9. Topics 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, 24, 25, 26, 27, 28, 29, 32 specifically
21 seek information "supporting" the declaration of "Daniel Arheidt" regarding the use of the
22 infringement detection system owned by MaverickEye, UG (MEU) and utilizing software
23 licensed to it by GuardaLay.

24 10. Daniel Arheidt is not an officer, employee, director, or agent of LHF and never
25 has been.

26 11. LHF also did not prepare, draft or sign Mr. Arheidt's declaration. Topic 2-11,
27 22-29, and 32, therefore, seek information that is not known or reasonably available to LHF.

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1 12. Topics 12, 13, 14, 15, 17, 18, 19, 20, and 21 requests information regarding the
2 investigative efforts, processes, and conclusions of "Plaintiff's Computer Investigators" and
3 "MaverickEye" regarding the process by which the defendants in this action used BitTorrent to
4 unlawfully download LHF's copyrighted movie.

5 13. The requested information is only known to MEU and or GuardeLay (to the
6 degree the subject is limited to Guardelay's proprietary software). It is not information known
7 or reasonably available to LHF.

8 14. LHF hired MEU as its investigator. LHF did not do the investigation itself, nor
9 does it have the capability of doing so. As such LHF does not have any LHF Representative
10 who could testify to any of the information requested in Topic 12-15, and 17-21, as these topics
11 seek information that is not known or reasonably available to LHF.

12 15. Topics 34 and 35 requests information about agreements between third-parties,
13 AMPC, Guardaley, IPP, MaverickEye, and Ecipio for calendar years 2015-2018. LHF is not
14 aware of any agreements between such third parties.

15 DATED: July 5, 2018.

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19 Jonathan Yung
20 Authorized Representative
21 LHF Productions, Inc.
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